

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: BPS DIRECT, LLC, AND  
CABELA’S, LLC, WIRETAPPING

MDL NO 3074

ED Pa. Action Nos.  
2:23-md-3074  
2:23-cv-02306

This Action Relates to:

TIMOTHY DURHAM, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

CABELA’S LLC

Defendant.

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**PLAINTIFF’S MOTION FOR EXTENSION OF TIME TO FILE ENTRY OF  
APPEARANCE OF FRANCIS J. “CASEY” FLYNN, JR. AND FILE ATTENDANT  
\$75.00 PRO HAC VICE FEE**

Plaintiff Timothy Durham (“Plaintiff”) hereby moves this Court for an extension of time for Plaintiff’s Counsel Francis J. “Casey” Flynn, Jr. to enter his appearance from July 6, 2023 before Noon Eastern, until twenty four (24) hours after the Clerk issues Plaintiff’s Counsel Francis J. “Casey” Flynn, Jr. with credentials to electronically file said appearance and pay the attended \$75.00 fee.

In support of this motion, Plaintiff states as follows:

1. Pursuant to the Court’s Orders dated June 20, 2023 and the Court’s Order dated July 5, 2023 in the individual case captioned: *DURHAM, ET AL. v. CABELA’S, LLC.*, Case No. 2:23-cv-01630-GW-KES (CACD) (the “*Durham Action*”), Plaintiff’s Counsel Flynn first

appeared on behalf of Plaintiff Durham, individually and on behalf of the respective Class, in the *Durham* Action on March 5, 2023, (ECF No. 1), which was prior to transfer.

2. Upon transfer to the instant Court, the *Durham* Action was assigned Case No. 2:23-cv-2306.

3. Plaintiff's Counsel Flynn had not received notice of the Court's June 20, 2023 Orders or July 5, 2023 Order and was not aware of them until late in the evening on July 5, 2023 because an attorney notified him of the July 5, 2023 order when the attorney saw his name on the list of counsel who had not yet entered their respective appearances.

4. It appears that electronic notice did not go to Plaintiff's Counsel Flynn and Plaintiff's Counsel Flynn did not receive the mail notice as of date.

5. Plaintiff's Counsel has since requested e-filing credentials to enable him to file a Notice of Appearance (Pro Hac Vice) and pay the attending \$75.00 fee; however, at the time of this filing, Plaintiff has not yet received said credentials.

6. As a result, Plaintiff seeks an extension of twenty-four (24) hours from the time at which the clerk issues to Plaintiff's Counsel his log in credentials to file his respective Notice of Appearance (Pro Hac Vice) and pay the attendant \$75.00 fee.

7. The requested extension of time is sought for good cause, as Plaintiff's Counsel Flynn is unable to electronically file his Notice of Appearance (Pro Hac Vice) and pay the attendant Pro Hac Vice fee without e-filing credentials.

8. This extension of time will neither unreasonably delay resolution, nor unduly prejudice any party to this action.

9. WHEREFORE, Plaintiff asks that the Court grant its Motion and allow Plaintiff through twenty-four (24) hours from the time at which the clerk issues to Plaintiff's Counsel his

log in credentials to file his respective Notice of Appearance (Pro Hac Vice) and pay the attending \$75.00 fee.

Date: July 6, 2023

Respectfully,

/s/ MaryBeth V. Gibson

MaryBeth V. Gibson (Pro Hac Vice)

**THE FINLEY FIRM, P.C.**

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*Attorneys for Plaintiff and the putative Class*

**CERTIFICATE OF SERVICE**

I hereby certify that, on July 6, 2023, I electronically filed the foregoing via the Court's ECF/CM system which will send notification of such filing to all attorneys of record.

By: /s/ MaryBeth V. Gibson